

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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THOMAS H. KROSNOSKI,

Plaintiff,

v.

OPINION and ORDER

FRANK BISIGNANO,  
Commissioner of the Social Security Administration,

22-cv-297-jdp

Defendant.<sup>1</sup>

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Robert G. Tarlock, counsel for plaintiff Thomas H. Krosnoski, petitions for a supplemental award of attorney fees under 42 U.S.C. § 406(b) after two auxiliary beneficiaries of Krosnoski were awarded a combined \$25,504.00 in auxiliary past-due benefits. Dkt. 27; Dkt. 27-1, at 7, 11. The court previously awarded counsel \$36,600.25 after Krosnoski was awarded \$146,401.00 in past-due benefits, which was 25 percent of Krosnoski's past-due benefits. Dkt. 26. Counsel now seeks an award of 25 percent of the auxiliary past-due benefits, which is \$6,376.00 and would make the total award of attorney fees \$42,976.25 out of the total past-due benefit award of \$171,905.00.

The commissioner doesn't take a position on the reasonableness of Krosnoski counsel's supplemental fee request. Dkt. 28. But the commissioner asks the court to distinguish between the full amount determined as reasonable under section 406(b) and the net amount awarded for payment purpose. *Id.*, at 2.

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<sup>1</sup> The court has amended the caption to reflect Bisignano's appointment as Commissioner. *See* Fed. R. Civ. P. 25(d).

The total amount of time that counsel's firm spent on this case for proceedings in this court was 64.7 hours. Dkt. 27; Dkt. 27-4. With the additional award of 25 percent of auxiliary past-due benefits, counsel's equivalent of an hourly rate is \$664.24 per hour. This is an increased rate than the \$565.69 per hour that the court previously approved, but it is still within the bounds of what is reasonable in light of counsel's risk of non-recovery, the work he performed, the results he obtained, and the amounts awarded in similar cases.

The court will grant counsel's motion and approve fees in the total amount of \$42,976.25. The net amount that should be dispersed to counsel from Krosnoski's auxiliary past-due benefits is \$6,376.00.

#### ORDER

IT IS ORDERED that Robert G. Tarlock's supplemental motion for attorney fees under 42 U.S.C. § 406(b), Dkt. 27, is GRANTED. The court approves a representative fee of \$6,376.00.

Entered July 10, 2025.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge